

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

MICHAEL J. CONWAY

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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CASE NO. 4:08CV201

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 26, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff Michael Conway's Motion to Enjoin Proceedings in the District Court of Nevada (Dkt. 17) be GRANTED and that Defendant United States' Motion to Stay this proceeding pending the outcome of the Nevada proceeding (Dkt. 15) be DENIED as MOOT.

The Court, having made a *de novo* review of the objections raised by the United States and Plaintiff's response, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the United States are without merit as to the ultimate conclusion and recommendation of the Magistrate Judge. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court, and Plaintiff

Michael Conway's Motion to Enjoin Proceedings in the District Court of Nevada (Dkt. 17) is GRANTED, and Defendant United States' Motion to Stay this proceeding pending the outcome of the Nevada proceeding (Dkt. 15) is DENIED as MOOT.

**IT IS SO ORDERED.**

**SIGNED this 5th day of June, 2009.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE